IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE DR JUSTICE G.YETHIRAJULU
WRIT PETITION NO : 16393 of 2004

Between:
T.Venkataiah, s/o T.Ramaiah,
r/o Chaitanya Nagar, B.N.Reddy Nagar, Vanasthalipuram, Hyderabad.
..... PETITIONER

AND

1 The Asst.Secretary, Regional Transport Authority, Uppal, Ranga Reddy East.
2 The Asst.Motor Vehicle Inspector, Uppal, Ranga Reddy East.
.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ or order, direction more particularly one in the nature of writ of mandamus, declaring the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing Registration No.AP-13-A-7504 vide vehicle Check Report No.1479602, dt.11-08-2004 as illegal, arbitrary and unconstitutional and consequently direct the respondents to release the vehicle bearing No.AP-13-A-7504

Counsel for the Petitioner: MR.B.CHANDRA SHEKHAR

Counsel for the Respondent No.: GP FOR TRANSPORT

The Court at the admission stage made the following :

THE HONOURABLE Dr. JUSTICE G. YETHIRAJULU

WRIT PETITION No.16393 of 2004

ORDER:

The petitioner is the owner of a Road Roller bearing Registration No.AP 13 A 7504. His vehicle was intercepted on 11.08.2004, and a Check Report No.1479602 was issued on the ground that the driver did not produce the documents of the vehicle and that the tax due as on the date of the check was not paid. The vehicle was seized and it was produced before the 1st respondent.

The petitioner contends that subsequent to the receipt of the check report, he made a representation to the first respondent with all relevant documents, but no orders have been passed by the first respondent till now. Therefore, he approached this Court to declare that the action of the 2nd respondent in seizing the vehicle as illegal, arbitrary and unconstitutional, and he is also seeking release of the vehicle for interim custody.

The enquiry before the 1st respondent is pending. If the vehicle is retained idle, it is likely to be damaged. I am therefore, inclined to release the vehicle for interim custody to the petitioner. The first respondent is therefore, directed to release the vehicle to the petitioner for interim custody, on condition of the petitioner depositing of Rs.5,000/- (Rupees five thousand only) with the first respondent, making payment of the Tax, if any, due as on the date of the checking of the vehicle and on further condition that the petitioner shall not transfer the vehicle to any other person without the permission of the first respondent, and produce the vehicle, as and when required by the first respondent . The petitioner shall also cooperate with the first respondent in the enquiry. The petitioner is entitled to take refund of the amount, if any remains, after adjustment of the compounding fee.

Accordingly, the Writ Petition is disposed of. No costs.

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Dr. G. YETHIRAJULU,J

NOTE:

Issue C.C. 2 days

(By Order)

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Copy to:

1. The Assistant Secretary,
   Regional Transport Authority,
   Uppal, Ranga Reddy East.
2. The Assistant Motor Vehicle Inspector,
   Uppal, Ranga Reddy East.
3. 2 C.Cs to the Government Pleader for Transport,
   High Court Buildings, High Court of Andhra Prudish,
   Hyderabad, (OUT)
4. Two C.D.Copies.